

UNITED STATES DISTRICT COURT
OF MASSACHUSETTS

**Scott Belknap, on behalf of himself and
all others similarly situated,**

Plaintiff

v.

Partners Healthcare System, Inc., et al.

Defendants.

Civil Action No. 1:19-cv-11437

ORAL ARGUMENT REQUESTED

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and Local Rule 7.1, Defendants Partners Healthcare System, Inc., The Pension Committee, The Retirement Committee, and Jane/John Does 1-5 (collectively "Defendants"), by and through their undersigned counsel, hereby move to dismiss the claims set forth in Plaintiff Scott Belknap's ("Plaintiff") Amended Complaint in its entirety. Specifically, the Amended Complaint fails to set forth sufficient facts to state a claim against Defendants under 29 U.S.C. § 1132(a)(3) (Counts I, II, and III), 29 U.S.C. § 1132(a)(1) (Count II), or 29 U.S.C. § 1104 (Count III).

Accordingly, for the foregoing reasons and those set forth in the accompanying Memorandum of Law, Defendants respectfully request that the Court enter an Order dismissing the Amended Complaint in its entirety with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6).

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Defendants respectfully request oral argument on this Motion.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: April 3, 2020

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LOCAL RULE 7.1 CERTIFICATION

Counsel for Defendants hereby certifies that they conferred with counsel for Plaintiff and have attempted in good faith to resolve or narrow the issues raised in this Motion.

/s/ Keri L. Engelman
Keri L. Engelman

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of April, 2020 a true and correct copy of the foregoing Defendants' Motion to Dismiss the Amended Complaint was served via the Court's ECF filing system on the following:

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